U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---X
S & L VITAMINS, INC.,

Plaintiff,

-against-

AUSTRALIAN GOLD, INC.,

Defendant/Counterclaimant.
---X

ORDER

CV 05-1217 (JS)

ORENSTEIN, Magistrate Judge:

Australian Gold, Inc. moves for an order directing a non-party tanning entity to respond to the subpoena served upon it.[1] Neither the plaintiff nor the non-party have responded. The Court assumes that Australian Gold, Inc. served the plaintiff and the non-party with unredacted papers.

The motion is granted, there being no opposition. The non-party tanning entity is directed to provide to the defendant the documents subpoenaed by December 9, 2005.

The Court denies the application for attorney's fees and costs.

The defendant is directed to serve a copy of the order upon the non-party tanning entity by November 28, 2005.

SO ORDERED.

Dated: Central Islip, New York
November 21, 2005

MICHAEL L. ORENSTEIN
United States Magistrate Judge

[1] Based upon the precaution that movant's client might read or see the motion papers and resulting order, Australian Gold, Inc. redacted the motion papers so as not to reveal the non-party's identity. Plaintiff has labeled the identity of such party "Confidential-Attorneys Eyes Only" in accordance with the Confidentiality and Protective Order. Movant filed the unredacted motion under seal. Stipulated Protective Order dated August 11, 2005, Orenstein, M., M.J.